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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,496	10/31/2003	James L. Worrell	K112942P0041US	3171
32116	7590	05/12/2004	EXAMINER	
WOOD, PHILLIPS, KATZ, CLARK & MORTIMER 500 W. MADISON STREET SUITE 3800 CHICAGO, IL 60661			JIMENEZ, MARC QUEMUEL	
			ART UNIT	PAPER NUMBER
			3726	

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/699,496	WORRELL, JAMES L.	
	Examiner	Art Unit	
	Marc Jimenez	3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10312003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10312003</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because it should be drawn to the method claimed. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 1-10** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "the central boss" in lines 8-11 which lack proper antecedent basis.

Claim 1 recites "the metal" in line 10 which is unclear.

Claim 1 recites "the top" in line 10 which lacks proper antecedent basis.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. **Claim 1** is rejected under 35 U.S.C. 103(a) as being unpatentable over Robert K. Howie (4,608,882) in view of Robert K. Howie (6,242,064).

'882 teaches a method of making a knob **11** by steps of: molding a polymeric material (col. 1, lines 65-66) to provide a polymeric body **13**, which has a boss **17** having an end face **23** and having a wall (see to the left at the end of lead line **21** in fig. 4) and which has a recess **21** bordering (col. 2, line 8, "annular") the boss **17** and having a floor **27**, the wall (see to the left at the end of lead line **21** in fig. 4) adjoining the floor **27**, drawing a metal sheet or a metal strip (col. 2, line 42) to provide a metal cup **19**, which is adapted to fit over the boss **17**, and which has a skirt **47** adapted to encompass the wall (see to the left at the end of lead line **21** in fig. 4) of the central boss **17** when the metal cup **19** fits over the central boss **17**, the skirt **47** being unitary with the circular plate **19**.

'882 teaches the invention cited with the exception of specifically teaching stamping to provide the metal cup.

'064 teaches that it is known to make metal cups **61** by stamping (col. 2, lines 27-28).

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of '882 with stamping, in light of the teachings of '064, in order to form a symmetrical metal cup shape.

Regarding claim 10, official notice is taken that it was well known in the art to a person of ordinary skill in the art, at the time of the invention, to have provided adhesive to also secure the plate to the central boss, in order to provide additional securing means.

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6. **Claims 1-3, 6, and 7** are rejected under 35 U.S.C. 103(a) as being unpatentable over Howie (6,242,064) in view of Dronberger (3,410,247).

Howie teaches a method of making a knob **11** by steps of: molding a polymeric material to provide a polymeric body **13**, which has a boss, stamping and drawing a metal sheet or a metal strip (col. 2, lines 27-28) to provide a metal cup **61**, which is adapted to fit over the boss, which has a plate **63** adapted to cover the end face **37** of the boss when the metal cup **61** fits over the boss, and which has a skirt **65** adapted to encompass the wall of the central boss when the metal cup fits over the central boss, the skirt **65** being unitary with the circular plate **63**, and fitting the metal **61** over the boss so that the plate **61** covers the top of the central boss, and so that the skirt **65** encompasses the wall of the boss, and securing the metal cup **61** to the polymeric body **13**.

However, Howie do not teach a boss having an end face having a wall and which has a recess bordering the boss and having a floor, the wall adjoining the floor, with the skirt having a unitary tab projecting from the skirt and wherein the unitary tab is caused to project through an associated slot in the floor, the unitary tab having a barbed portion which coacts with the polymeric body to secure the metal cup to the polymeric body.

Dronberger teaches a boss having an end face having a wall **18** and which has a recess bordering the boss and having a floor **26**, the wall **18** adjoining the floor **26**, with a skirt **12** having a unitary tab **28** projecting from the skirt **12** and wherein the unitary tab **28** is caused to project through an associated slot **30** in the floor **26**, the unitary tab **28** having a barbed portion **32** which coacts with the polymeric body **16** to secure the cup **12** to the polymeric body **10**.

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It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Howie with a boss having an end face having a wall and which has a recess bordering the boss and having a floor, the wall adjoining the floor, with the skirt having a unitary tab projecting from the skirt and wherein the unitary tab is caused to project through an associated slot in the floor, the unitary tab having a barbed portion which coacts with the polymeric body to secure the metal cup to the polymeric body, in light of the teachings of Dronberger, in order to provide a removable and securely fastened cover.

Regarding claim 10, official notice is taken that it was well known in the art to a person of ordinary skill in the art, at the time of the invention, to have provided adhesive to also secure the plate to the central boss, in order to provide additional securing means.

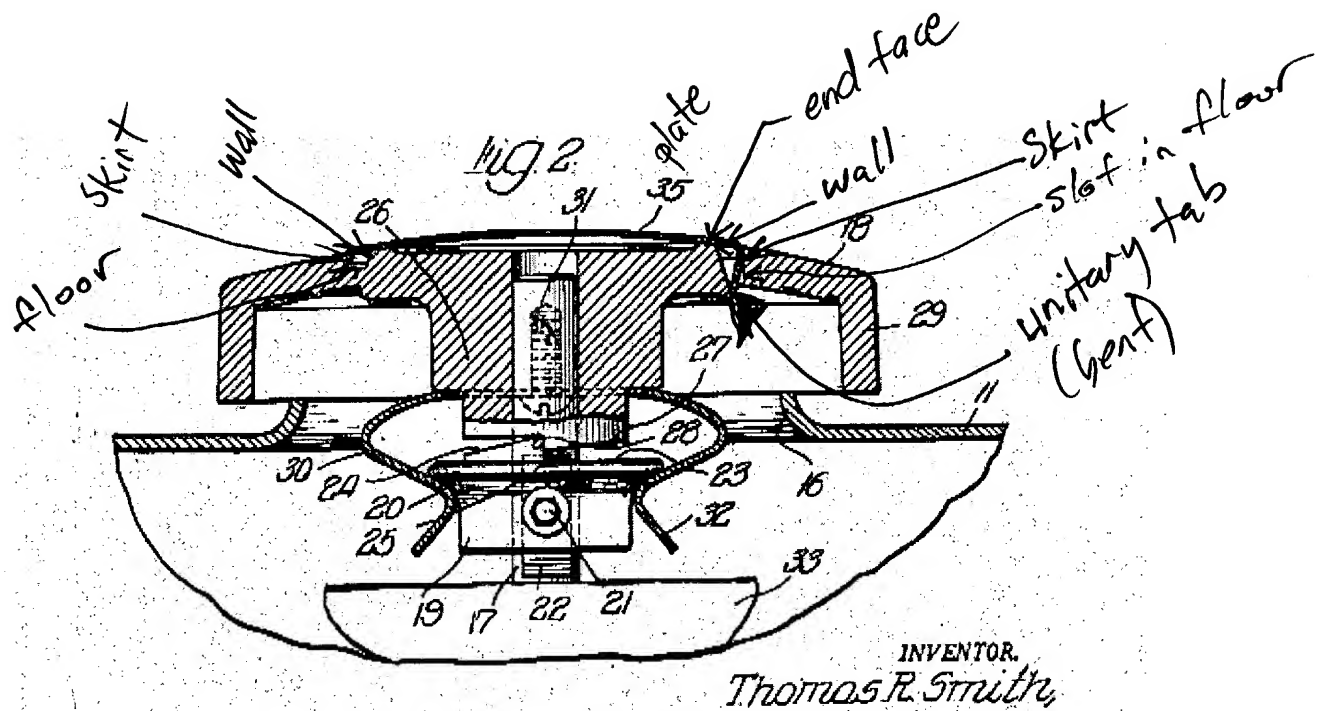
7. **Claims 1, 2, and 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (2,632,540) in view of Howie (6,242,064).

Smith teaches a method of making a knob by steps of: providing a body **18**, which has a boss having an end face (see the face contacting **35**) and having a wall and which has a recess (see below the numeral **26** in fig. 2) bordering the boss and having a floor (the horizontal plane below numeral **26** where **35** fits into of the body **18**), the wall adjoining the floor, providing a cup **35**, which is adapted to fit over the boss, which has a plate (col. 3, lines 13-14) adapted to cover the end face of the boss when the cup **35** fits over the central boss, and which has a skirt (see above numeral **27**) adapted to encompass the wall of the central boss when the cup **35** fits over the central boss, the skirt (see above numeral **27**) being unitary with the circular plate **35**, and fitting the cup **35** over the boss so that the plate **35** covers the top of the central

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boss, and so that the skirt (see above numeral 27) encompasses the wall of the boss, and securing the cup 35 to the body 18.

See illustration of Smith below:



Smith teaches the invention cited with the exception of specifically molding a polymeric material to provide a polymeric body and stamping and drawing a metal sheet or a metal strip to provide a metal cup.

Howie teaches molding a polymeric material (col. 1, line 59) to provide a polymeric body and stamping and drawing a metal sheet or a metal strip to provide a metal cup (col. 2, lines 28-29).

It would have been obvious to one of ordinary skill in the art, at the time of the invention,

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to have provided the invention of Smith with molding a polymeric material to provide a polymeric body and stamping and drawing a metal sheet or a metal strip to provide a metal cup, in light of the teachings of Howie, in order to provide light weight and strong knob materials.

Furthermore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have selected the claimed material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. See also *Ballas Liquidating Co. v Allied industries of Kansas, Inc.* (DC Kans) 205 USPQ 331.

Regarding claim 2, Smith teaches that the skirt has a unitary tab projecting from the skirt and is caused to project through an associated slot in the floor (see above numeral 27)

Regarding claim 5, Smith teaches that the unitary tab (above numeral 27) has a distal portion which is bent to secure the cup 35 to the body 18.

Regarding claim 10, official notice is taken that it was well known in the art to a person of ordinary skill in the art, at the time of the invention, to have provided adhesive to also secure the plate to the central boss, in order to provide additional securing means.

8. **Claims 3, 4, and 6-10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith in view of Howie as applied to claims 1 and 2 above, and further in view of Dronberger.

Regarding claims 3 and 7, Smith/Howie teach the invention cited with the exception of the unitary tab having a barbed portion.

Dronberger teaches that it is known to provide barbed portions 28 in knobs.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the

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invention, to have provided the invention of Smith/Howie with barbed portions, in light of the teachings of Dronberger, in order to provide attachment means that can easily be removable.

Regarding claim 6, Smith/Howie teach the invention cited with the exception of having more than one tab, ie. "unitary tabs".

Dronberger teaches that it is known to provide unitary tabs **28**.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Smith/Howie with unitary tabs, in light of the teachings of Dronberger, in order to provide a more secure attachment of the cup to the body. Furthermore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided unitary tabs, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Regarding claim 9, Smith teaches that the unitary tab (above numeral 27) has a distal portion which is bent to secure the cup **35** to the body **18**.

Regarding claims 4 and 8, at the time of the invention, it would have been an obvious matter of design choice to a person of ordinary skill in the art, to have used a unitary tab with a pierced portion because applicant has not disclosed that unitary tab with a pierced portion provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with either the barbed portion taught by Dronberger or the claimed pierced portion because either tabs perform the same function of securing the cover to the body equally well.

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Furthermore, official notice is taken that it was well known in the art to have provided a pierced portion in order to provide a suitable securing means.

Regarding claim 10, official notice is taken that it was well known in the art to a person of ordinary skill in the art, at the time of the invention, to have provided adhesive to also secure the plate to the central boss, in order to provide additional securing means.

Contact Information

9. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information. M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers or other general questions should be directed to Tech Center 3700 Customer Service at (703) 306-5648, or fax (703) 872-9301 or by email to CustomerService3700@uspto.gov.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number is **703-306-5965**. The examiner can normally be reached on **Monday-Friday, between 5:30 am- 2:00 pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone number for the

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organization where this application or proceeding is assigned is 703-872-9306 for regular communications and After Final communications.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

Other helpful telephone numbers are listed for applicant's benefit.

Allowed Files & Publication	(703) 308-6789 or (888) 786-0101
Assignment Branch	(703) 308-9723
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/8335
Petitions/Special Programs	(703) 305-9285
Terminal Disclaimers	(703) 305-8408
PCT Help Desk	(703) 305-3257

If the information desired is not provided above, or a number has been changed, please call the general information help line below.

Information Help line	1-800-786-9199
Internet PTO-Home Page	http://www.uspto.gov/



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AU 3726

MJ
May 10, 2004